

In re: Johannes Hakansson
Serial No.: 10/538,293
Filed: June 10, 2005
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Amendments to the Drawings:

Figure 3 has been amended to include labels for the various boxes. The attached replacement sheets replace the drawing sheets filed June 10, 2005.

Attachment: Replacement Sheets

REMARKS

Applicant appreciates the Examiner's thorough examination of the present application as evidenced by the Office Action mailed June 11, 2008 ("Office Action"). In response, Applicant has amended independent Claims 1, 8, 15, and 16 to clarify that the effects file(s) are transmitted to at least one other device such that the files are used for later application on more than one image, which is not disclosed or suggested in the cited references. Applicant has also amended independent Claim 16 to clarify that the computer program code resides on the computer readable medium and has canceled independent Claim 17 to address the Section 101 rejections. In view of the above described amendments, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Objection to the Drawings

The drawings stand objected to because Figure 3 does not include labels for the boxes in the figure. (Office Action, page 2). In response, Applicant submits herewith a full set of replacement sheets in compliance with 37 CFR 1.121(d) in which labels have been added to the boxes in Figure 3. It is therefore respectfully requested that this objection be withdrawn.

Section 101 Rejection

Independent Claim 16 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter because the claim does not define the computer program as being stored on a computer readable medium. (Office Action, page 3). In response, Applicant has amended Claim 16 to clarify that the computer program code resides on the computer readable medium. Independent Claim 17 also stands rejected under 35 U.S.C. §101. (Office Action, page 3). In response, Applicant has canceled independent Claim 17 without prejudice or disclaimer.

Independent Claims 1, 8, 15, and 16 are Patentable

Independent Claims 1, 8, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent No. 7,038,716 to Klein et al. ("Klein") in view of U. S. Patent Publication No. 2003/0071903 to Nakami ("Nakami"). (Office Action, page 4). Independent Claim 1, as amended, recites:

generating an effect for application on digital images based on entries of a user;
storing the effect as an effects file in a defined standardised image editor independent effects format; and
transferring the effects file to another device, such that it is used for later application on more than one image.

According to independent Claim 1 the effects file is transferred to another device where it is subsequently used on more than one image. Independent Claims 8, 15, and 16 have been amended to include similar recitations.

The Office Action acknowledges that Klein fails to disclose an image effects store, but alleges that Nakami provides the missing teachings. (Office Action, page 4). Nakami is directed to an image output system where a digital camera generates an image file that includes both image data and output control data (PIM), which are used in the printing process. (Nakami, paragraph 54; FIG. 1). The Office Action alleges that the output control data PIM corresponds to the effects file recited in the independent claim. (Office Action, page 4). As explained in paragraph 79 of Nakami, however, the output control data used for processing/printing an image taken by a digital camera includes standard settings along with additional custom settings that can be set/modified by the photographer so that a specific image prints according to the photographer's particular taste. Nakami, therefore, teaches against using the output control data on a printer for more than one image as the other images may be associated with other photographers and/or the same photographer may wish to process/print images differently based on the particular subject matter featured in the image. Accordingly, Applicant respectfully submits that the combination of Klein and Nakami fails to disclose or suggest, at least, transferring an effects file to another device, such that it is used for later application on more than one image.

For at least the foregoing reasons, Applicant respectfully submit that independent Claims 1, 8, 15, and 16 are patentable over the cited references and that Claims 2 – 7 and 9 - 14 are patentable at least per the patentability of independent claims from which they depend.

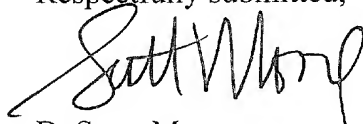
CONCLUSION

In light of the above remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic

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conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

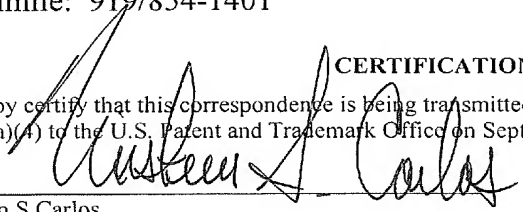


D. Scott Moore
Registration No. 42,011

54414
USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on September 11, 2008.



Kirsten S Carlos